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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,229	03/31/2004	Karl Pfleger	0026-0073	3872
44989	7590	02/01/2008		
HARRITY SNYDER, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER WOO, ISAAC M	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b> 10/813,229	<b>Applicant(s)</b> PFLEGER, KARL	
	<b>Examiner</b> Isaac M. Woo	<b>Art Unit</b> 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-14, 16, 19-43 and 54 is/are pending in the application.  
     4a) Of the above claim(s) 20-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16, 19 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to Applicant's Election in response to the Election/Restriction requirement set forth in the October 17, 2007, filed on November 19, 2007.

2. Applicant elected Group I, claims 1-5, 7-14, 16, 19 and 54, with traverse. Non-elected claims 20-43 are withdrawn. Claims 6, 15, 17-18 and 44-53 are canceled. Claims 1-5, 7-14, 16, 19 and 54 are presented for this office action.

3. Applicant elected Group I (1-5, 7-14, 16, 19 and 54), with traverse. However, the restriction was proper. Because the inventions are distinct, each from the other because of the following reasons:

The applicant's the ground(s) of the traversal, is not found persuasive. Because one application should have one invention and examining different invention on one application is burden. The inventions are distinct, each from the other because of the following reasons:

- I. Claims 1-5, 7-14, 16, 19 and 54 drawn to method and system for searching data with searching query and providing the results of searching with multi-dimensional graph, which is query processing or searching, classified in class 707, subclass 3.
- II. Claim 20-43, drawn to, for designing visual representation for each of the search results and plotting each of the visual representation on a multi-

dimensional graph display, which is displaying processing, classified in class 715, subclass 526.

4. The inventions are distinct, each from the other because of the following reasons.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instance case, invention I can be used for searching data with searching query and providing the results of searching with multi-dimensional graph, which is query processing or searching. Invention II can be used for designing visual representation each of the search results and plotting each of the visual representation on a multi-dimensional graph display, which is document presentation or document displaying processing. See MPEP 806.05(d).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 7-14, 16, 19 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al (US. Pub. No. 2003/0126601, hereinafter, "Roberts").

With respect to claims 1, 19 and 54, Roberts teaches receiving one or more search queries (abstract, page 3, sections 0031-0034); searching stored data based on the one or more search queries to generate results, where the results are orderable by one or more search characteristics (abstract, page 1, sections 0007-0032); and providing a document that includes a multi-dimensional graph of the results of the search (page 1, section 0010, page 2, section 0024), at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph (fig. 3, page 3, sections 0033-0036), where each of the results has a visual representation on the multi-dimensional graph and where a size associated with each of the visual representations is varied based on a relevance associated with each of the results (abstract, page 2, section 0024, page 3, section 0033).

With respect to claim 2, Roberts teaches the results of the searching are sorted by relevance (page 1, section 0007).

With respect to claim 3, Roberts teaches the one or more search queries are inferred from actions taken by a user other than entering one or more explicit search queries (page 3, sections 0031-0034).

With respect to claim 4, Roberts teaches, wherein the actions taken by a user comprises the user's past browsing activity (page 3, sections 0031-0034).

With respect to claim 5, Roberts teaches the one or more search queries are selected from a list of multiple search queries (page 3, sections 0031-0034).

With respect to claim 7, Roberts teaches the result is represented on the multi-dimensional graph as at least one of an icon, text, or an image (page 3, sections 0031-0034).

With respect to claim 8, Roberts teaches a second dimension of the multi-dimensional graph comprises relevance (page 3, sections 0031-0034).

With respect to claim 9, Roberts teaches, the at least one search characteristics comprise one of recency, price, dates, image quality, image size or geographic distance (page 2, sections 0023-0034).

With respect to claim 10, Roberts teaches the multi-dimensional graph comprises a two-dimensional graph (page 2, sections 0023-0034).

With respect to claim 11, Roberts teaches a scaling of an axis corresponding to the at least one dimension is non-linear (page 2, sections 0023-0034).

With respect to claim 12, Roberts teaches at least a portion of the axis corresponding to the at least one dimension comprises a logarithmic scale (page 2, sections 0023-0034

With respect to claim 13, Roberts teaches none of the dimensions of the multidimensional graphic corresponds to relevance (page 2, sections 0023-0034).

With respect to claim 14, Roberts teaches receiving user input to selectively alter a resolution of a dimension of the multi-dimensional graph (page 2, sections 0023-0034).

With respect to claim 16, Roberts teaches a fixed number of results are displayed on each page of the document (page 2, sections 0023-0034).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Woo  
January 31, 2008

A handwritten signature in black ink, appearing to read 'Isaac Woo', with a stylized flourish at the end.